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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/747,503	12/20/2000	Lothar Blossfeld	Micronas.5998	8291

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Patrick J. O'Shea, Esq.  
Samuels, Gauthier & Stevens, LLP  
Suite 3300  
225 Franklin Street  
Boston, MA 02110

EXAMINER

SNOW, WALTER E

ART UNIT

PAPER NUMBER

2862

DATE MAILED: 03/29/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/747503

Applicant(s)

Examiner

W. S. Now

Group Art Unit

2862

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- ☐ Responsive to communication(s) filed on \_\_\_\_\_
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-19 is/are pending in the application.
- ☐ Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☒ Claim(s) 1-19 are subject to restriction or election requirement

## Application Papers

- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some\* ☐ None of the:
  - ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other \_\_\_\_\_

Office Action Summary

Art Unit: 2862

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1, 5-7, 11-13 and 15-19, drawn to a method of detecting rotational speed by comparing the amplitude of pulses with a variable threshold and adjusting the threshold when the difference between the amplitudes and the threshold exceeds a maximum value, classified in class 324, subclass 166.
  - II. Claims 2, 8, 9 and 14, drawn to a method of processing a pulse train by comparing the positive and negative amplitudes of the pulse train with a variable threshold and adjusting the threshold so that the difference between the amplitudes and the threshold do not exceed a maximum value, classified in class 702, subclass 142.
2. III. Claims 3 and 10, drawn to a method of processing a pulse train by comparing the amplitudes of the pulses with a variable threshold and adjusting the threshold when the difference between the amplitudes of two successive pulses exceeds a maximum value, classified in class 702, subclass 145.
3. IV. Claim 4, drawn to a method of processing a pulse train by comparing the pulses with a variable threshold and adjusting the threshold when the difference of frequencies of successive pulse trains exceeds a maximum value, classified in class 702, subclass 147.
4. The inventions are distinct, each from the other because:
5. Inventions I, II, III and IV are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation,

Art Unit: 2862


different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions each have a separate inventive concept capable of supporting separate patents.

6. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

7. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

W SNOW/pj

03/22/02

  
WALTER E. SNOW  
PRIMARY EXAMINER